REMARKS

Claims 12, 15-18, 20 and 21 continue pending in this patent application.

PRIOR ART REJECTION

Claims 12, 15-18, 20 and 21 were rejected under 35 USC § 103(a) as being unpatentable over JP 59-25684 (JP '684) and SU 408333 (SU '333) and optionally JP 55-110608 A (JP '608) and/or US 5980668 (Slingluff). In the statement of the rejection the Examiner mistakenly identifies the "Japan 684" document as JP 54-158536. Applicant traverses this rejection.

As shown in Fig. 2(f) of JP '684, a stepped formation is disposed in a hole in the tread. The Examiner acknowledges that JP '684 does not disclose a stepped tread wear indicator in which one of the steps has a contour including a polygon and another step has a different contour including a loop shape formed by curved lines.

According to the disclosure in JP '684, wear indicating portion 2 may be formed as a "hole" in the tread. However, as shown in Fig. 2(f) of JP '684, an outline defined by end wall 1 changes only in its length as the tread wears. The position and shape (straight line or curved line) of the outline does not change at all. The same effect occurs with the indicators shown in Figs. 2(a), 2(b), 2(d) and 2(e). In Fig. 2(c), positions and sizes of the curved edges 2 change as the tread wears, but the shape of the edges does not change.

On the other hand, in the invention disclosed and claimed in this application, since the first step of the indication hole has a contour including one of a polygon formed by straight lines or a loop-shape formed by curved lines, the second step has a contour including the other of the polygon or the loop-shape and the contour of the second step is different from the contour of the first step and is inscribed on or included in the contour of the first step, as the tire tread wears, the gross outline of the hole changes, and the progression of wear of the tread is thereby easily discerned.

SU 833 also discloses tread wear indicators, in particular indicators in the form of projections with steps. According to the translation of SU '833 provided by the Examiner, the tread cross-section shown in Fig. 1 has an "indicator" 1, "projections" 2 and "depressions" 3. The translation also describes the shapes of the indicators shown in Figs. 4, 5 and 6. The Examiner

characterizes Figs. 1 and 2 as illustrating a "FIRST EMBODIMENT" and interprets the projections 2 shown in Fig. 1 as tread blocks, adding that the wear indicator can be formed by shaping one of the blocks.

The Examiner characterizes Fig. 3 as illustrating a "SECOND EMBODIMENT" in which the wear indicator is within one of the lugs. The Examiner refers to the text in the Abstract of SU '833, "... the wear indicator ... can have the form of an opening in one of these projections." The Examiner then concludes that "Soviet Union teaches (1) a "projection" for use as an indicator having a stepped or (2) a "hole" for use as an indicator having a stepped shape."

Applicant can agree part (1) of the Examiner's conclusion, but not with part (2). There is no disclosure in SU '833 of using a formation other than a projection as a wear indicator. In particular, while SU '833 discloses a wear indicator projection disposed in a hole of a tread element, it does not disclose or suggest using a hole, *per se*, as a wear indicator.

As shown in Figs. 1 and 2 of SU '833, the wear indicators are formed as projections disposed between tread elements. In Fig. 3, the wear indicator is formed as a projection disposed in a hole in a tread element. The wear indicator shown in Fig. 6 is a projection with three steps, the uppermost step being circular and the two lower steps being square. Again, Applicant observes that *all* of the wear indicators disclosed in SU '833 are formed as *projections*.

SU '833 does not disclose a tread wear indicator in which the second step has a contour including the other of the straight shape or the curved shape, and the contour of the second step is different from the contour of the first step and *is inscribed on or included in* the contour of the first step as required by Applicant's claim 12. In the SU '833 tread wear indicator, tread wear causes a change of the projection within a hole in the tread, i.e., the projection appears to become larger. However, *the outline of the hole itself does not change*. Thus, Applicant's disclosed and claimed invention enables tread wear to be discerned from just the contour of the indication hole and does not require the more difficult task of viewing an indicator within a hole in the tread.

The Examiner cites JP '608 as disclosing a stepped hole 17 for indicating wear and cites Slingluff as disclosing a wear indicator with pattern parts such as holes that indicate tread wear by the disappearance of the holes. Neither of these documents offers teachings that can remedy fundamental deficiencies in the disclosures in JP '684 and SU '833, as discussed above.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in JP '684, SU '333, JP '608) and Slingluff can properly serve as a basis for rejecting 12, 15-18, 20 and 21 under 35 USC § 103(a).

REQUEST FOR INTERVIEW

For reasons presented above, Applicant submits that all of the pending claims in this application are allowable and that this application is therefore in condition for allowance. If the Examiner finds otherwise, Applicant would appreciate having the opportunity to discuss with the Examiner any issues in this application that remain unresolved. To that end, Applicant's representative will be contacting the Examiner in the near future to schedule a personal interview for the purpose of working to a satisfactory resolution of unresolved issues.

CONCLUSION

In view of the observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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